

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jorg G. Schleicher et al.

Serial No. 09/963,812

Filed: 09/26/2001

For: **METHOD AND SYSTEM FOR GENERATING REVENUE IN A PEER-TO-PEER
FILE DELIVERY NETWORK**

Examiner: Fadey S. Jabr

Art Unit: 3628

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

STATEMENT FOR DISCOUNTED NOTICE OF APPEAL

A Notice of Appeal is being filed concurrently with this statement. The Applicants previously filed a Notice of Appeal on July 7, 2006 and an Appeal Brief on December 6, 2006. The Applicants paid the \$500.00 fee associated with the Notice of Appeal and the Appeal Brief when each was filed.

In response to the Appeal Brief, an Examiner's Answer was mailed on February 27, 2007 and a Reply Brief was filed on April 24, 2007. The Appeal Brief was undocketed on October 5, 2007 in order for the Examiner to correct the Examiner's Answer mailed on February 27, 2007. A Supplemental Examiner's Answer was mailed on October 30, 2007 and a Response to the Examiner's Answer was filed on December 27, 2007. Prosecution was then reopened through the mailing of a final office action on February 4, 2008. As such, the Appeal Brief filed on December 6, 2006 was not reviewed by the Board of Patent Appeals and Interferences and no decision was rendered in response to the Appeal Brief. The Applicants have continued prosecution and concurrently file a new Notice of Appeal.

The Applicants should not have to pay the full amount of \$510.00 for this Notice of Appeal because the Notice of Appeal filed on July 7, 2006 and the Appeal Brief filed on December 6, 2006 had been paid for and no decision had been rendered. See M.P.E.P § 1207.04. The Applicants note that the fee for a Notice of Appeal increased by \$10.00. As such, only the \$10.00 fee is due for the current Notice of Appeal. The Director is hereby authorized to charge the \$10.00 Notice of Appeal fee to Deposit Account 50-1732, and to consider this a petition therefor. If any additional fees are required in association with this Notice of Appeal, the

Director is hereby authorized to charge them to Deposit Account 50-1732, and consider this a petition therefor.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



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Attorney Docket: 1104-032